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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/006,952

11/05/2001

David Kammer

035451-0169 (3707.Palm)

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26371

7590

10/15/2004

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EXAMINER

SAMS, MATTHEW C

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/006,952	<b>Applicant(s)</b> KAMMER, DAVID	
	<b>Examiner</b> Matthew C. Sams	<b>Art Unit</b> 2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/5/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/5/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The use of the trademark BLUETOOTH® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-13, 15-21, 23-29 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bork et al. (US-6,246,376 herein after, Bork).

Regarding claim 1, Bork discloses a method of communicating between a handheld computer and other local area computing devices have wireless communication capability. (Col. 1 lines 31-35) Bork discloses a handheld computer that identifies a plurality of other wireless local area computing devices, creating an

identifier for the other devices, and listing the identifiers on a display that can be sorted by distance and direction. (Col. 1 lines 55-57, Col. 3 lines 44-47 and Col. 5 lines 49-54)

Regarding claim 2, Bork discloses a handheld computer that is configured to communicate using the BLUETOOTH® standard. (Col. 1 lines 31-35)

Regarding claim 3, Bork discloses a handheld computer that is configured to communicate using the IEEE 802.11 standard. (Col. 1 lines 31-35)

Regarding claim 4, Bork discloses a handheld computer that is configured to communicate using the RF signals. (Col. 1 lines 31-35)

Regarding claim 5, Bork discloses a handheld computer that is configured to communicate using the infrared signals. (Col. 1 lines 31-35)

Regarding claim 7, Bork discloses that one or more listed identifiers can be chosen for the sharing of information. (Col. 8 claim 7)

Regarding claim 8, Bork discloses a method of identifying and sharing information between a handheld computer and a group of local area computing devices having wireless communication capability within a specified distance. (Col. 3 lines 40-47) Bork discloses that a message can be transmitted to one or more local area computing devices having wireless communication capability within the specified distance. (Col. 4 lines 9-11)

Regarding claim 9, Bork discloses a handheld computer with a touch screen display. (Fig. 1 & 3, Col. 7 lines 49-50)

Regarding claim 10, the limitations of the claim are rejected as being the same reason set forth in claim 2.

Regarding claim 11, the limitations of the claim are rejected as being the same reason set forth in claim 3.

Regarding claim 12, the limitations of the claim are rejected as being the same reason set forth in claim 4.

Regarding claim 13, the limitations of the claim are rejected as being the same reason set forth in claim 5.

Regarding claim 15, Bork discloses that a message can be received from one or more local area computing devices having wireless communication capability within the specified distance. (Col. 4 lines 9-11)

Regarding claim 16, Bork discloses a housing, a processor, memory, a transmitter and a display. (Fig. 1 and 3 Col. 7 lines 41-55) It is well known in the art that when a list of computing devices is to be displayed, the processor must instruct the display how to display the list.

Regarding claim 17, the limitations of the claim are rejected as being the same reason set forth in claim 9.

Regarding claim 18, the limitations of the claim are rejected as being the same reason set forth in claim 2.

Regarding claim 19, the limitations of the claim are rejected as being the same reason set forth in claim 3.

Regarding claim 20, the limitations of the claim are rejected as being the same reason set forth in claim 4.

Regarding claim 21, the limitations of the claim are rejected as being the same reason set forth in claim 5.

Regarding claim 23, the limitations of the claim are rejected as being the same reason set forth in claim 1.

Regarding claim 24, Bork discloses a handheld computer, a list of indicators, a user interface and a display. Bork discloses that information used to sort the list by distance and direction. (Col. 1 lines 31-35, Col. 3 lines 44-47 and Fig. 3)

Regarding claim 25, the limitations of the claim are rejected as being the same reason set forth in claim 9.

Regarding claim 26, the limitations of the claim are rejected as being the same reason set forth in claim 2.

Regarding claim 27, the limitations of the claim are rejected as being the same reason set forth in claim 3.

Regarding claim 28, the limitations of the claim are rejected as being the same reason set forth in claim 4.

Regarding claim 29, the limitations of the claim are rejected as being the same reason set forth in claim 5.

Regarding claim 32, the limitations of the claim are rejected as being the same reason set forth in claim 8.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 14, 22, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork in view of Kikinis et al. (US-6,389,290 herein after, Kikinis).

Regarding claim 6, Bork discloses a method of sorting a list by distance and direction. (Col. 3 lines 44-47) Bork differs from the claimed invention in that he does not specifically state that electronic pinging provides the distance and direction. However, Kikinis discloses using pinging to locate a mobile user in a network. (Col. 4 lines 40-47) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to sort the list by distance and direction of Bork using pinging like Kikinis. One of ordinary skill in the art would have been motivated to do this since it makes it possible to locate people easily and accurately. (Col. 4 lines 40-47)

Regarding claim 14, the limitations of the claim are rejected as being the same reason set forth in claim 6.

Regarding claim 22, the limitations of the claim are rejected as being the same reason set forth in claim 6.

Regarding claim 30, the limitations of the claim are rejected as being the same reason set forth in claim 6.

Regarding claim 31, the limitations of the claim are rejected as being the same reason set forth in claim 6.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6,681,108 to Terry et al. Terry et al. discloses a network and method for identifying and sharing a common network location.


US-6,404,761 to Snelling et al. Snelling et al. discloses a communications web with personal communications links for PSTN subscribers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (703)305-0810. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
10/5/04

  
**GEORGE ENG**  
**PRIMARY EXAMINER**